Feb. 7, 2014

Sent Via Overnight Mail
Proof of Service Requested

Ms. Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Mr. Jared Blumenfeld
Regional Administrator
U.S. EPA - Region IX
75 Hawthorne Street
San Francisco, California 94105

Re: 60-Day Notice of Intent to File Citizen Suit

Dear Ms. McCarthy and Mr. Blumenfield:

On behalf of the People of Planet America, ("POPA") and Jewish Americans for Environmental Justice, ("JAEJ") we demand that you take immediate action to cease ongoing and egregious violations of the Clean Water Act ("CWA"), the Clean Air Act, ("CAA") and the Toxic Substances Control Act, ("TSC") by the Walt Disney Co., ("Disney"). We further warn you that because of the above ongoing negligence and/or complicity with Disney in assisting them in the destruction of the environment in Burbank, Ca., that we are going to take immediate and corrective action against Disney and each individual employee of any governmental agency as co-conspirators responsible for endangering the lives of millions of people, who either lived in or passed through Burbank, Ca. since 1975.

The soils, groundwater and breathable air in Burbank have been permanently contaminated by Disney's illegal discharges of at least 21 billion gallons of air conditioning water over the last 73 years to such an extent that this environmental damage has caused Burbank, Ca. to be one of the most dangerous cities in the United States, all of this human health danger 24 hours per day, 7 days per week and 365 days per year because of Disney use and discharge of hexavalent chromium and other dangerous chemicals known to cause cancer and/or reproductive toxicity.

Collectively the permanent levels of hexavalent chromium downwind and downstream of the Disney Studio Lot have destroyed the groundwater and soils, which in turn mushroom out of the surface and sub soils each and every day and cause this danger to the ambient air. Counsel, on behalf of our clients, assert that each and every participant, including but not limited to government officials, is liable in some way for this disregard for human life. EPA's failure to enforce the violations of law outlined herein against Disney needs explaining to those so endangered as this conduct has caused deaths which by law vacate any statute of limitations protection as to any negligent party and/or co-conspirator. The estimate of endangered parties alone exceeds 64,000,000 (Sixty-Four Million) from 1950 until today. A large portion of those parties so exposed were visitors to the Los Angeles Zoo after its opening in November 1966.

These releases of air contaminants are also violations of the CA. Health and Safety Code(s), ("CH&SC") for dangerous emissions causing unreasonable risk. All of these discharges by Disney to water, land or releases to air were negligent and non-permitted in or near the San Fernando Valley Superfund Site, which is now a high danger area on the NPL. This letter constitutes a 60-day notice of intent to file at least a citizen suit against Disney pursuant to Section 505 of the CWA, 33 U.S.C. § 1365, § 304 (b) of the CAA, 42 U.S.C. § 7604 and § 15 U.S.C. §2619 of the TSCA. The EPCRA failures to report to TRI will also be alleged.

The EPA has known since at least May 2011, by citizen suit enforcer submissions of disclosure evidence about these dangers and as such it cannot shield itself from having to explain its failure to meaningfully close this environmental endangerment cesspool. Further, EPA has been fully appraised of the false records, and statements created by Disney's unlawful responses to regulatory demand; and these acts alone demand oversight investigation, 1.) EPA failure to convene a grand jury has to be one of the first inquires by members of congress, and 2.) Why the EPA is not a co-conspirator of Disney in these violations of law, and 3.) Why EPA is not liable for gross negligence in that they refuse or otherwise are unable to enforce the law. All of this dangerous and irresponsible environmental conduct has been at the jeopardy and exposure to the people who support the POPA and JAEJ.

Tragically the deceased have no voice going forward after defendant counsel improper interaction with plaintiff counsel, a totally separate and continuing fraud on the court involving fake mediators, wire taps, illegal invasion of media computers, interference and the halting of a 30 month national news station story on the eve of airing, forged documents, perjured affidavits by counsel-the list is long. Complainants further allege one counsel, known by some as "the get it done guy", left government and has worked for a private law firm perpetuating obstruction on just about a daily basis.

Ongoing and daily monitoring of Cr VI concentrations by the South Coast Air Quality Management District, ("SCAQMD") of ambient air in and around Burbank reveal levels of this extremely dangerous carcinogen at concentrations above that which is scientifically known to EPA and the state of California to cause cancer. Further, the levels of Cr VI in groundwater (drinking water supplies) in the EPA Superfund Site Glendale South Operating Unit area are at levels known to the EPA and state of California to cause cancer and or reproductive toxicity.

Most of the air contamination in Burbank is a product of EPA inaction and failure to remediate the surface soil Cr VI levels downstream of the Disney Studio Lot as those dusts are repeatedly and on a daily basis volatilized into the breathable air space of every person that passes through Burbank, lives in Burbank, works in Burbank, visits the Los Angeles Zoo, Los Angeles Equestrian Center, the Forest Lawn Mortuary, the Mt. Sinai Cemetery, and the Griffith Park golf course.

People that still use the Burbank supplied tap water are also exposed to Cr VI to a lesser extent, but any quantity of groundwater blended with third party water has shown to be in excess of new health dangers established by the CA Dept of Public Health in their 2011 adoption of a Public Health Goal and the EPA adoption in 2011 of tap water levels as Regional Screening Levels, ("RSL's); .020 ug/l and .059 ug/l respectively. All tap water sold by the City of Burbank going back to 1987 has had dangerous levels of Cr VI above these thresholds and at no time did EPA require the City to cease distribution and have Disney clean them up to regulatory levels. The proposed state MCL is a 30 year late regulatory number that only offers human health protection at "500 times" the established cancer threshold via ingestion of "*20 parts per trillion*" (NRDC 2013).

Lastly, the EPA has known about Disney use of Cr VI in cooling systems since Sept 21, 2010 and have further liability for failure to enforce the TSCA by not implementing its legal duty to enforce § 15 U.S.C. 2614 as Disney has utilized hexavalent chromium at the Studio Lot in cooling systems after the prohibition date in this law. This citizen Plaintiff has the authority to initiate suit under § 15 U.S.C. §2619, under the "continuing violations doctrine" as the first date of discovery was 2010.

I. FURTHER NEGLIGENCE OR CONSPIRATORIL ACTS BY THE EPA

The EPA has known and condoned Disney perjured and false statements to the Agency after its lawful demand order under CERCLA 104 (e) in April 2011, and/or shrugged its responsibility to act after court determinations since that date, i.e.:

1. EPA did nothing when Disney, via counsel, sent the EPA forged exhibits to conceal their illegal discharges or hexavalent chromium.

2. EPA did nothing when Disney, via counsel, sent the EPA false statements about buying potassium dichromate from Kodak when Kodak never sold Disney any bulk product for motion picture film developing.

3. EPA did nothing when Disney, via counsel, sent the EPA false statements about buying potassium dichromate from Southwest Photo Chemical Co, ("SPC") when SPC never sold Disney any bulk product for motion picture film developing.

4. EPA did nothing when Disney sent the EPA and state RWQCB false statements about an ex-employee assertion that Disney discharged dangerous pollutants out of the "Pyrtle Cut" pipe when later 2013 evidence showed this to be outright perjury by ex-employee Lee Tope.

5. The list of false statements by Disney to regulators is substantial and are all criminal acts subject to prosecution under 18 U.S.C. § 1001. EPA has either been negligent or

has been a co-conspirator in the unlawful acts by condoning the activity at the detriment of human health.

6. EPA did nothing when they found in official reports that Disney had obstructed evidence gathering during discharge water testing on two separate occasions in 2009 and again in 2011 by Disney staff placing a fire hose in the water conduit origination while testing personnel were at the opposite end carefully and meticulously filing sanitized sample jars and placing them in ice chests. In field enforcement staff and/or testing laboratory staff made detailed notes of these events after it was later determined that this deliberate dilution and obliteration of evidence was going on the entire time samples were being recovered.

7. EPA did nothing when it was later determined by the state or state approved testing laboratory that the discharge water, even diluted illegally by Disney, showed continued chromium contamination of waters of the United States of America. These events alone, on either occasion, should have caused regulatory authorities to take the most drastic of actions, including the seeking of injunctive relief immediately as the Disney conduct *showed that they knew no policing agency was going to say one word.*

8. It is beyond common sense how a regulatory agency (RWQCB) would allow Disney in 2009 to park a truck over a clarifier that required testing and then claim they lost the keys to the truck, obstructing the lawfully requested testing for Cr VI.

9. EPA did nothing when they found out in 2011 that Disney was using Cr VI in cooling towers and that they had broadcast these water treatment chemicals all over Burbank, a criminal offense[1]. This negligent conduct was to facilitate making it comfortable for their executive suite management, as this cooling tower was solely for comfort air conditioning.

10. EPA did nothing when a sitting federal judge ruled Sept 23, 2013 that all of the Disney non storm discharges were absent a NPDES permit and as a consequence the ***21 billion gallons*** of discharges containing these dangerous chemicals that Disney dumped into the streets of Burbank and drinking water of the state and federal government, were illegal and/or unpermitted.

II. EPA HAS TURNED ITS BACK ON THE AGENCY DISCRETIONARY DUTY TO ENFORCE THE CAA and CWA.

A. Clean Water Act Violations.

1. In 1972, Congress passed the Clean Water Act "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" through the reduction and eventual elimination of the discharge of pollutants into those waters. 33 U.S.C. § 1251(a). Because of this early mandate by congress the CAA and CWA *require* EPA to enforce water and air quality standards that are protective of the human health. The EPA has refused to do this in Burbank at this Superfund Site where they have direct oversight over Disney especially, or is incapable of this corrective action to the detriment of all the POPA and JAEJ as a class of similarly situated parties. Or in the alternative EPA has entered into some type of conspiratorial agreement to protect Disney from this enforcement and proof of this is in the

[1] 15 U.S.C. 2615 (b).

fact it has not published any Disney enforcement actions, including but not limited to, the kept from public scrutiny Consent Decree of Aug 2000 relative to CWA violations. This contract and recent extension till Nov 2018 were for this exact illegal conduct but relative to two other dangerous chemicals illegally discharged by Disney; known carcinogens, TCE and PCE. EPA has also failed to motion the Judge in that pending till Nov 2018 action and advise her Honor that Disney is in violation of the courts orders and probationary contract prohibiting further violations of the CWA.

2. All this conduct causing endangerment in violation of the CWA § 1319. As of Nov 2011, EPA is accountable for its failure to exercise its mandated duty to protect the public health and stop Disney from further violations of law via extremely dangerous discharges of Cr VI and other carcinogens found during testing of the Study Lot by Disney environmental consultant URS August 2011or by Disney counsel in conjunction with private lawyer directed forces.

B. Clean Air Act Violations.

1. Disney avoided permitting under Title V, New Source Review, and the source's obligation to submit a Title V permit application and the requirements of the Maximum Achievable Control Technology rules; and

2. Violated substantive terms of local, State, or federal orders, ***consent decrees***[2] or administrative orders; and

3. Violated CAA requirements that involve testing, monitoring, record keeping, or reporting that substantially interfere with enforcement or determining the source's compliance with applicable emission limits; and

4. Violated CAA 7413 and CH&SC § 42400.3 (b) both criminally and/or § 42402.3 (b) civilly, the later under a cause of action via negligence per se.

III. FURTHER CONSPIRACY AND OBSTRUCTION OF JUSTICE REQUIRING A SPECIAL PROSECUTOR.

A. EPA's Inaction Causing Knowing Endangerment

1. EPA has repeatedly been given evidence of Disney illegal acts including but not limited to the probable deaths of Louise Jackson, *et al* from the direct inhalation of Disney discharged 21 billion gallons of cooling water disposed of next to the Jackson residence 1980-2013. Mrs. Jackson's death is compounded by any conspiracy and is actionable against every co-conspirator or negligent party including each and every EPA staff found to be a part of these alleged illegal acts. The deaths of Angie Trainer and Tom Robeson are also people that lived on Parkside Ave in Burbank and immediately in the path of the 21 billion gallons of air conditioning and/or cooling tower blow down water that have been illegally discharged by Disney. A full and comprehensive tissue analysis at autopsy needs to be performed to determine if those exposures

[2] EPA and State of California Aug 2000 Non Public Consent Decree naming Disney as a "settling defendant."

caused these deaths also.

2. Collectively the inhalation exposure from the Cr VI contaminated air, the dermal exposure from Cr VI contaminated soil and the ingestion exposure from Cr VI drinking water make the City of Burbank one of the ten (10) most dangerous cities in the United States.

3. All of the above conduct by all the Defendants is either civil or more serious violations of the endangerment prohibitions of CWA and CAA respectively; 33 U.S.C § 1319 (c) (3), 42 U.S.C. § 7413 (c) (5).

B. Disney Conspiracy and Obstruction of Justice with the AOC members

1. On or about Feb 2011 the EPA entered into an Administrative Order on Consent, ("AOC") with various companies to clean up their portion of the SFV Superfund Site.

2. Disney almost immediately entered into illegal contracts with the AOC members to conceal their participation in the damages to the Site that the AOC members were contracted to clean up.

3. As a furtherance of this new conspiracy Disney lawyers were engaged to suppress any evidence in the scientific or regulatory mainstream showing that Disney was responsible for the damages to the Site and did so by an orchestrated and clandestine practice of contacting potential whistleblowers or confidential informants to silence them with money.

C. Disney Conspiracy and Obstruction of Justice Against the Dept. of Defense.

1. On or about 1996 and again in 2002 Lockheed was sued in Los Angeles Superior Court for contamination of the air and water in and around Burbank. Disney knew they were the primary, if not exclusive source of the ***surface and daily source*** of Cr VI in the Burbank air. Disney knew that the Lockheed Cr VI used in spraying airplanes for corrosion protection was a much larger particle size than that which they discharged, yet they sat silent while Lockheed paid various settlements to injured parties, and or encouraged Lockheed to improperly charge the government or participated in and through other improper pressure on officials. Lockheed later had the United States tax payers, via the Dept. of Defense; reimburse them for these out of pocket settlements. At no time were tax payers ever made whole or notified of the Disney real Cr VI liability.

IDENTITY AND ADDRESSES OF COMPLAINANTS

Attention:

Thomas E. Kent, Esq.
Law Offices of Thomas E. Kent
501 S. Beverly Drive, Suite 200
Beverly Hills, California 90212

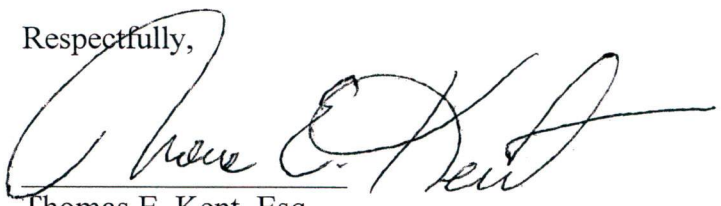
Counsel for:
Jewish Americans for Environmental Justice (JAEJ)
People of Planet America (POPA)
[REDACTED FOR SECURITY]

CONCLUSION

Further be advised that counsel and experts for the complainants will be expending remediation funds for the benefit of the Site cleanup consistent with the National Contingency Plan and will seek recovery of these costs under the authority of CERCLA § 107 (a).

The complaining and noticing parties believe that Disney is in continuing violation of the CAA, CWA, TSCA, EPCRA and CA. Health and Safety Codes among other numerous statutory law counts. POPA and JAEJ provide this official Notice for the continuing violations outlined above, including if the violations continue subsequent to the date of this Notice. This Notice is given pursuant to citizen suit authority afforded by congress and standing as a person representing POPA and JAEJ and more specifically as citizens of the United States of America and persons having an interest which is or may be adversely affected.

Respectfully,



Thomas E. Kent, Esq.

cc: [REDACTED FOR SECURITY]